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McDermott Will & Emery 600 13th Street, NW Washington, DC 20005-3096			EXAMINER AUGUSTIN, EVENS J	
			ART UNIT 3621	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/562,314
Filing Date: May 19, 2006
Appellant(s): COURSE, PHILIP

Matthew McCloskey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 21, 2011 appealing from the Office action mailed on January 22, 2010.

(1) Real Party in Interest

The Examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-42 are pending.

Claims 31-42 have been withdrawn.

Claims 1-30 have been rejected.

(4) Status of Amendments After Final

The Examiner has no comment on the Appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The Examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The Examiner has no comment on the Appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the Examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The Examiner has no comment on the copy of the appealed claims contained in the Appendix to the Appellant's brief.

(8) Evidence Relied Upon

20020143655

Elston et al.

2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Elston et al. (U.S. 20020143655) ("Elston").
2. As per claims 1-30, Elston discloses an invention comprising of the following:

- A. "a host server" (One or more servers, par. 28), "having electronic inventory of electronic goods/services" (the inventory of the store is housed in server(s), par. 81, which contains directory/databases – the databases show the multimedia objects inventory such as audio or video, par. 525);
- B. "at least one transaction device"(Point of sale terminals, par. 272);
- C. "at least one service provider system"(transaction manager service, par. 94);
- D. "and a content management system" (par. 19),
- E. where the content management system provides content in the form of details of electronic goods and/or services (goods and services, par. 254 and multimedia objects, which can include images, audio, video and text, par. 542)
- F. able to be transacted by the electronic transaction system to the at least one transaction device (Transaction at the user's mobile device, par. 59)
- G. and where, upon the at least one transaction device issuing a client request (client mobile device interfacing or transmitting request, par. 59) to the host server (par. 59) for one or more of the electronic goods and/or services detailed (transaction with fast food dispensing restaurant, a chain of video rental stores, a chain of convenience stores, etc. par. 59 and par. 120),
- H. "Comprising a matrix recording a set of permissions and/or constraints applicable to the electronic transaction system" (comprising merchant and customer permission and constraints such as customers may use multiple access devices each with its own authentication data, which must be stored and retrieved from the security information store par. 405. These constraints are in a relational database, par. 405 or matrix)

- I. "Matrix includes at least one of the following dimensions: a transaction device dimension; an electronic good or service dimension; and a merchant dimension " (rules based on transaction device, par. 426 or different hierarchy of authentication within the merchant organization, par. 427);
- J. "Host server determines whether the client request complies with the set of permissions and/or constraints" (In this case the requirement is proper PIN and password from the client, in order to process transaction, par. 196);
- K. "Each transaction device of the at least one transaction device receives a set of unique identifiers from the host server, each unique identifier representing a component of the content " (item SKU, par. 293. It is well known in the art that SKU is attached to an item, variant, product line, bundle, service, fee, or attachment);
- L. "Content includes, in respect of each electronic service and/or good able to be transacted; at least one of the following: a description; a graphic to represent the electronic service or good; details of acceptable payment methods; details of acceptable validation or data entry mechanisms" (par. 142);
- M. "content includes at least one of the following: a menu structure for navigating the electronic services and goods able to be transacted; and details of any security mechanisms implemented to control access to any restricted portions of the menu structure " (par. 142);
- N. ("Transaction device receives a scheduled time for transmission of content " (Scheduling of orders, par. 259);
- O. Process modeling, figures 3A-F;

P. Boolean modeling inherent due to its digital nature;

(10) Response to Argument

3. The Examiner considered the Appellant's arguments filed on March 21, 2011, but has not found those arguments to be persuasive.
4. Argument 1: Elston's system does not relate to an electronic transaction system capable of transacting electronic goods and/or services.
5. Response 1: The electronic transaction system, as described by applicant is **capable** of transacting electronic goods and/or services. In fact independent claim 1 does not teach a transaction being taking place where goods are exchanged for money. Claim 1 teaches a content management system, where goods "able to be transacted". Likewise, the prior art teaches a customer device paying for goods or services, par. 164 or fig. 3f, item 318.
6. Argument 2: Elston's system does not encompass electronic goods or services.
7. Response 2: the prior teaches the presentation of items of interest to the customer such as images, audio, video and text, par. 579.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this Examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/EVENS J AUGUSTIN/
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Conferees:

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